

PLANNING COMMISSION MINUTES

July 19, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Sharon Dunham, Chuck Heckman, Eric Johansen and Vlad Voytilla. Commissioner Betty Bode was excused.

Senior Planner Alan Whitworth, Principal Planner Hal Bergsma, Development Services Engineer Jim Duggan, Associate Planner Veronica Smith, Associate Planner Tyler Ryerson, Traffic Engineer Sean Morrison, Assistant City Attorney Bill Scheiderich and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATIONS:

Principal Planner Hal Bergsma described an e-mail he had submitted to Chairman Maks, describing a meeting format of the Washington County Planning Commission, explaining that they regularly meet for a half an hour work session prior to each of their meetings.

Chairman Maks observed that because he thought this is a good idea, he had wanted to present the idea to his fellow Commissioners. Pointing out that land use regulations in the State of Oregon are fluid, he expressed his opinion that work sessions twice a year are not sufficient to adequately address necessary updates and actions.

Following a discussion, it was determined that the Planning Commission would meet for a half hour work session on a monthly basis prior to their regular meeting.

1 Chairman Maks advised Mr. Bergsma that he would submit a schedule to him.

2
3 7:08 p.m. – Commissioner Barnard arrived.

4
5 **OLD BUSINESS:**

6
7 Chairman Maks opened the Public Hearing and read the format for Public
8 Hearings. There were no disqualifications of the Planning Commission members.
9 No one in the audience challenged the right of any Commissioner to hear any of
10 the agenda items, to participate in the hearing or requested that the hearing be
11 postponed to a later date. He asked if there were any ex parte contact, conflict of
12 interest or disqualifications in any of the hearings on the agenda. There was no
13 response

14
15 **CONTINUANCES:**

16
17 **A. CUP 2000-0008 -- FOUNTAINCOURT**

18 (Continued from July 12, 2000)

19 The applicant requests approval of a Conditional Use Permit/Planned Unit
20 Development for a 97-unit multi-family subdivision located west of SW
21 Springbrook Avenue on SW Barrows Road, including multi-family units,
22 sidewalks, streets, common open space and associated landscaping. The
23 development proposal is located on property located by Washington County
24 Assessor's Map 1S1-33CC, Tax Lots 100, which is zoned Town Center – High
25 Density Residential (TC-HDR), and 200, which is zoned Town Center – Medium
26 Density Residential (TC-MDR).

27
28 Chairman Maks advised that this Public Hearing had been continued on the basis
29 of two issues – traffic control and pedestrian movements – observing that only
30 these issues will be discussed. Noting that Commissioners Dunham and Johansen
31 had not been present last week, he stated that they would not participate in this
32 decision.

33
34 7:10 P.M. -- Assistant City Attorney Bill Scheiderich arrived.

35
36 Associate Planner Tyler Ryerson discussed the two issues to be resolved from last
37 week's Public Hearing and mentioned a Memorandum from Traffic Engineer
38 Sean Morrison and Transportation Engineer Randy Wooley, as well as a proposed
39 speed hump from WRG, and referred to an additional illustration provided by the
40 applicant regarding the pedestrian connection. Concluding, he stated that staff
41 believes the traffic calming is not necessary, although the pedestrian connection
42 should be maintained as required in the conditions, and offered to respond to any
43 comments and questions.

44
45 Commissioner Heckman stated that he is perturbed that staff does not believe that
46 traffic calming is necessary. He mentioned that in the last month, he has nearly

1 been hit three times on his street. He emphasized that he is not convinced that the
2 requested traffic calming is not necessary.

3
4 Commissioner Voytilla expressed his agreement with Commissioner Heckman,
5 observing that the Planning Commission had been very specific with their
6 concerns with traffic situation. He emphasized that people go out of their way to
7 cut through neighborhoods, rather than utilizing the arterials.

8
9 On question, Commissioner Barnard stated that he has no comments at this time.

10
11 Chairman Maks observed that staff is entitled to their opinion, stating that
12 although he appreciates the opposing point of view, he agrees with
13 Commissioners Heckman and Voytilla. He stated that he disagrees adamantly
14 with Mr. Wooley, adding that the developer should resolve these issues prior to
15 construction. He expressed his opinion that this would establish an undesirable
16 precedent, pointing out that the Traffic Commission does not have the authority to
17 set up criteria and that this problem should be addressed before it occurs. He
18 mentioned a reference that the proposed street design narrow width with on-street
19 parking and curved alignment provides a form of traffic calming and pointed out a
20 project on 135th and Haystack which will include speed humps.

21
22 Traffic Engineer Sean Morrison agreed that this neighborhood had been selected
23 for speed humps.

24
25 Chairman Maks clarified that this narrow street has parking on both sides and
26 includes an s-curve, emphasizing that the teenagers love this feature and speed
27 through it.

28
29 Commissioner Barnard expressed his agreement with Chairman Maks'
30 assessment of this situation.

31
32 Mr. Morrison described the eligibility requirements for traffic calming within the
33 City of Beaverton, observing that motorists have a tendency to speed through s-
34 curves when room is available to accelerate, adding that this short stretch does not
35 provide enough room to allow for these high speeds. He pointed out that the
36 amount of nearby residences that might utilize this cut-through route is not great
37 enough to trigger enough volume to create a problem. Referring to his
38 memorandum, he advised that if the Planning Commission determines that traffic
39 calming is required, staff recommends speed humps on SW Springbrook Lane as
40 the most acceptable traffic-calming alternative.

41
42 **APPLICANT:**

43
44 **MIMI DOUKAS**, 10450 SW Nimbus Avenue, Portland, OR 97223, with WRG
45 Design Company, representing Matrix Development, discussed the two issues of
46 concern left from last week, including traffic humps and the pedestrian

1 connection. She mentioned that both the applicant and staff feels comfortable that
2 speed humps would address any traffic concerns. She discussed the pedestrian
3 connection, observing that the applicant has provided a route for a five-foot path
4 from the Scholls Creek Condominiums that would provide adequate circulation.
5 She observed that this proposal is not in conflict with pedestrian movements and
6 responds to concerns and recommendations, adding that while this is at the
7 discretion of the Planning Commission, the applicant feels that it is neither a good
8 idea nor necessary. She pointed out that this provides no short cut to any place
9 and that the distance by street is essentially the same, adding that there is really no
10 destination either way. Aside from friendly neighbor traffic, there is no reason to
11 travel between the two developments. Observing that the pathway actually cuts
12 through the back yards of Fountaincourt and existing Scholls Creek
13 Condominiums, she stated that the property owners will not likely benefit from or
14 appreciate this connection. She commented that the applicant will install this
15 connection, although they prefer not to, and offered to respond to any comments
16 or questions.

17
18 Commissioner Heckman expressed his agreement with the concerns of
19 Commissioner Bode at last week's Public Hearing, specifically recreational
20 opportunities for residents, particularly families. Emphasizing that he enjoys
21 seeing young mothers out walking with their babies, he observed that this is a
22 good opportunity to plan ahead and look to the future.

23
24 On question, Ms. Doukas advised Commissioner Barnard that from an aesthetic
25 perspective, speed bumps are not ideal, adding that they have a negative affect on
26 both appearance and the availability of parking. Noting that they are not against
27 traffic calming, comfortable with that, she pointed out that their first preference
28 had been to provide a curb extension and a turnaround. She mentioned that she
29 still has this original proposal, adding that they had submitted it to staff and the
30 Traffic Engineer had not been comfortable with this plan.

31
32 On question, Ms. Doukas informed Commissioner Heckman that two parking
33 spaces would be lost with the addition of the speed humps.

34
35 Commissioner Heckman expressed his opinion that this is a fair price to pay for
36 traffic calming.

37
38 Commissioner Voytilla questioned whether the width of the of the distance
39 between the garages had been modified.

40
41 Ms. Doukas advised Commissioner Voytilla that the width of the pedestrian path
42 is the same as had been previously indicated, adding that a modification would
43 require shifting the units around and result in encroachment on setbacks or
44 easements.

45

1 On question, Ms. Doukas informed Commissioner Voytilla that the width of the
2 garage doors is eight feet.

3
4 Commissioner Voytilla expressed concern with safety, pointing out that vehicles
5 should be able to view pedestrians while backing out.

6
7 Ms. Doukas observed that the alleyways are fairly narrow, adding that no one will
8 come screaming out in reverse in these alleys.

9
10 Commissioner Voytilla discussed the option of textured pavement as an
11 alternative to speed humps.

12
13 Ms. Doukas informed Commissioner Voytilla that this option had not been
14 explored, adding that while she has had no experience in textured pavement, she
15 has dealt with a grid pattern.

16
17 Commissioner Voytilla suggested that this option would not impact parking.

18
19 Ms. Doukas observed that this actually works best in a controlled four-way
20 intersection

21
22 Chairman Maks expressed his appreciation to the applicant for addressing the
23 concerns of the Planning Commission, adding that while he disagrees with staff
24 regarding some of the issues, they have the knowledge and certificates and he
25 concurs with Mr. Morrison's decision.

26
27 Ms. Doukas stated that this is why the proposal had been revised.

28
29 Pointing out that Ms. Doukas had made some good points on the pedestrian path,
30 Chairman Maks added that he has to agree with the wisdom of Commissioner
31 Heckman regarding walking and baby strollers.

32
33 Commissioner Barnard questioned whether stop signs had been considered for the
34 alleyways.

35
36 Ms. Doukas observed that realistically, stop signs would not function in the
37 alleys, adding that people would basically ignore them. She referred to concerns
38 with trash storage and collection, adding that she had met with a representative of
39 Miller Waste Management and made arrangements for each unit to utilize a
40 rollout cart and recycle bins in the alleyways adjacent to the garages, adding that
41 the trucks would back into the alleys to collect the trash.

42
43 Chairman Maks expressed appreciation to Ms. Doukas for addressing
44 Commissioner Voytilla's question of the year.

45

1 On question, Ms. Doukas advised Commissioner Heckman that she is not certain
2 whether the trash collector intends to utilize smaller vehicles at this site.

3
4 **PUBLIC TESTIMONY:**

5
6 On question, no member of the public appeared to testify at this time.

7
8 On question, staff offered no additional comments at this time.

9
10 The public portion of the Public Hearing was closed.

11
12 Commissioner Heckman expressed his opinion that this application provides a
13 good use of land and achieves density requirements, adding that he is concerned
14 with the 38-foot height, although it falls within guidelines when averaged. He
15 stated that he is in support of the application, with the addition of two conditions
16 and the deletion of Condition of Approval No. 4.

17
18 Commissioner Voytilla expressed his support of the application, which he feels
19 provides an excellent design and a good use of the land. Noting that he has
20 concerns with traffic calming and the pedestrian connection, he expressed his
21 confidence that the City's expert staff provides the best alternatives to resolve
22 these issues. He mentioned that he shares the applicant's concern with certain
23 aspects of the proposed pathway, expressing his opinion that it would not be
24 utilized to any great degree.

25
26 Commissioner Barnard stated that he respects staff's report on the traffic issue,
27 adding that he would actually like a speed hump installed directly in front of his
28 house. He stated that he is in favor of traffic calming and speed humps, adding
29 that the pathway can't hurt and expressing his opinion that pedestrians should
30 have access around neighborhood

31
32 Chairman Maks stated that he also supports this application, adding that it meets
33 the criteria of a Planned Unit Development, is unique and different and a great use
34 of property. He expressed his appreciation of staff's input on traffic calming,
35 observing that he finds it curious that as the first application adopted within this
36 town center zone, no transit is available to service this area.

37
38 Commissioner Heckman assured Chairman Maks that Tri-Met is on the way.

39
40 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a
41 motion to approve CUP 2000-0008 – Fountaincourt Conditional Use
42 Permit/Planned Unit Development, based upon the testimony, reports and exhibits
43 presented during the public hearing on the matter and upon the background facts,
44 findings and conclusions found in the Staff Report dated July 12, 2000, and Ex. 1
45 -- July 14, 2000, including Conditions of Approval Nos. 1 through 3, the deletion

1 of Condition of Approval No. 4, change Condition of Approval Nos. 5, 6 and 7 to
2 4, 5 and 6, and add the following conditions:

- 3
4 7. Speed humps shall be installed as shown in the applicant's
5 proposal dated July 14, 2000; and
6 8. A pedestrian connection shall be provided as shown in the
7 applicant's proposal dated July 14, 2000.
8

9 Motion **CARRIED**, unanimously, with the exception of Commissioners Dunham
10 and Johansen, who abstained from voting on this issue.
11

12 **B. CPA 99-00011/TA 99-00010 – ANNEXATION POLICY AMENDMENT**
13 (Continued from May 3, 2000)

14 The proposed amendments implement Periodic Review Order #00717 (formerly
15 WO #00628), Work Tasks #2 and #12. These amendments would update the
16 City's Comprehensive Plan and Zoning Code to reflect changes in City policies,
17 regional mandates and state law relating to municipal annexations and urban
18 service delivery. Specifically, CPA 98-00011 may result in modifications to
19 sections 1.2 through 1.3 (Comprehensive Plan Amendment Procedures Element),
20 sections 2.4 through 2.6 (Public Involvement Element), 3.10 through 3.11 (Land
21 Use Element), sections 5.4 through 5.9 (Public Services Element), and related
22 sections of the Comprehensive Plan. TA 99-00010 may result in modifications to
23 sections 10.4, 40.40, 40.50, 40.75, 40.90 and other sections of the Development
24 Code.
25

26 Mr. Bergsma presented the Staff Report and explained that the policies and
27 regulations relating to annexation need to be updated for consistency with Metro
28 codes, adding that this is also an effort to expedite and simplify the process for
29 amendments to the Comprehensive Plan Map and Zone Map in conjunction with
30 the annexation of a property into the City of Beaverton.
31

32 Senior Planner Alan Whitworth requested that the Public Hearing be continued to
33 August 9, 2000 to allow the Staff Report and proposed amendments to become
34 available to the public the required thirty days prior to the Public Hearing.
35

36 Chairman Maks observed that there might be questions of staff regarding the
37 document, adding that the public portion of the Public Hearing will be opened for
38 testimony also.
39

40 Mr. Bergsma observed that copies of a letter from Pat Russell regarding this issue
41 have been distributed.
42

43 Chairman Maks referred to line 6, page 6 of the Staff Report, specifically the
44 issue regarding flexible setbacks.
45

1 Mr. Whitworth explained the current procedure for a flexible setback, observing
2 that since many of these annex-related CPA/Rezoning will be presented directly to
3 the City Council, staff is proposing that this be considered a type 2 administrative
4 decision, eliminating the necessity of having a Public Hearing before the Planning
5 Commission.

6
7 Chairman Maks expressed his disagreement, emphasizing that citizens want to be
8 a part of this process and provide their input.

9
10 Mr. Whitworth questioned whether it is the desire of the Planning Commission
11 that only flexible setbacks be presented to them, or both flexible setbacks and
12 zoning.

13
14 Commissioner Heckman emphasized that there is no choice with the zoning.

15
16 Chairman Maks pointed out that the Planning Commission must adopt setbacks
17 that are approved within a plat.

18
19 Mr. Bergsma stated that he does not believe the approved subdivision makes this
20 specification.

21
22 Chairman Maks stated that this issue is not discretionary, but strictly
23 administrative, adding that if something new comes along, it is necessary to hear
24 from the public.

25
26 Commissioner Johansen requested that staff expand upon the difference between
27 quasi-judicial and legislative at the continued Public Hearing, adding that he has
28 been under the impression that there has been no discretion.

29
30 On question, Mr. Whitworth advised Commissioner Johansen that to his
31 recollection, all of these cases he has handled have all been without discretion,
32 adding that the next case before the CPC will be with discretion. It is Community
33 Business district in the county and staff has no one category to go to. He stated
34 that staff intends to recommend that the most similar zoning category and land
35 use category is community service and that there is no actual one to one
36 comparison available. He mentioned that while the county has only one industrial
37 zone, the city has three industrial zones.

38
39 Commissioner Johansen expressed his concern with reducing the notification
40 requirement, emphasizing efforts at improving citizen involvement and
41 participation.

42
43 Chairman Maks noted that Commissioner Johansen is referring to line 16, page 5
44 of the Staff Report, adding that he shares his concerns.

45

1 Mr. Whitworth clarified that the basic thought process was to find the most
2 similar zoning category, while providing full public notification creates the
3 mistaken impression that there is complete discretion.

4

5 Commissioner Johansen repeated that he would like to discuss this issue at the
6 next hearing, and referred to page 7, line 12, specifically the mailing requirement
7 to owners of record but not to property owners within a certain geographic area.

8

9 Mr. Whitworth observed that this follows the normal legislative process, which is
10 generally a text amendment, adding that staff is contemplating the legislative
11 process will be used when large areas are being annexed into the City of
12 Beaverton. These will require Public Hearings and a vote of residents of the City
13 and are being annexed. He emphasized that this may involve hundreds of acres
14 being annexed into the City.

15

16 Commissioner Heckman referred to the Urban Planning Area Map, requesting
17 clarification of how current the boundaries are on this map that is dated 1988.

18

19 Mr. Whitworth stated that while this map is 12 years old, it is basically fairly
20 close on the south, east and north, adding that they are still negotiating with
21 Hillsboro and Washington County on the west. He clarified that an interim public
22 service boundary of 185th Avenue except where Hillsboro currently crosses over
23 has been proposed. This is being proposed for adoption because it is currently
24 part of the UPAA.

25

26 Mr. Bergsma stated that Mr. Whitworth is describing the likely boundaries for the
27 urban service boundaries, adding that the UPAA map basically functions to let the
28 county know when they should send notice to the City of Beaverton of a proposed
29 development application or a proposed plan amendment.

30

31 Commissioner Heckman observed that the City of Hillsboro has accomplished
32 some annexation.

33

34 Mr. Bergsma agreed that this map is out of date, pointing out that it is only
35 binding upon the county at this point and that the anticipated update will more
36 clearly reflect the urban service areas.

37

38 Chairman Maks questioned the current status of updating the UPAA.

39

40 Mr. Bergsma advised Chairman Maks that they are looking at the comparison
41 between the county and city designations and zones. He stated that they are
42 limited by the county's land use ordinance process that does not allow hearings
43 after the end of October and this will most likely not be resolved before spring.

44

1 Commissioner Voytilla referred to diagram 1-C, questioning the possibility of
2 making this more lineal, allowing the general public to more easily track
3 sequential events.

4
5 Mr. Whitworth suggested that this could be accomplished on two separate pages
6 or a larger page.

7 Mr. Bergsma clarified that staff had attempted to fit this information on one 8-
8 1/2" by 11" page, adding that it could be split up in the interest of clarity.

9
10 Commissioner Dunham referred to diagram 1-C, specifically whether the text
11 could be matched with the preceding text. She mentioned that an example is the
12 difference between the Beaverton Neighborhood Office and the NAC, adding that
13 the difference should be clarified. She also mentioned that there should be
14 clarification regarding 20 calendar days or 20 working days and that this should
15 be consistent throughout the document.

16
17 Chairman Maks referred to the upper right hand side of diagram 1-C, noting that
18 it provides for notification to DLCD, Metro, CCI and NAC at least 45 calendar
19 days prior to a Public Hearing. He questioned whether this notification should
20 also be provided to the CPO.

21
22 Mr. Whitworth advised Chairman Maks that the City notifies the CPO, it is not
23 listed, although it should be added to the list.

24
25 Chairman Maks stated that he would like the CPO to receive the same notification
26 as the others on this list.

27
28 In response to Commissioner Dunham's comment, Mr. Whitworth clarified that
29 when the Neighborhood Office is referenced, a copy is delivered to the
30 Neighborhood Office, which is located on the first floor of City Hall. When the
31 NACs are referenced, a copy is mailed to the local NAC.

32
33 Commissioner Dunham questioned who is responsible for directly mailing these
34 notifications to the NACs, and Mr. Whitworth clarified that the Community
35 Development Department mails these notifications to the NACs and provides a
36 copy to the Neighborhood Office.

37
38 Commissioner Dunham referred to page 7, specifically posting notice in three
39 conspicuous public places in the City, observing that the previous page had
40 referenced a telephone number of the City Department to contact for further
41 information. She questioned whether this telephone number should be also
42 included on the posted notices, to allow the public access to as much information
43 as possible.

44
45 Mr. Whitworth advised Commissioner Dunham that his intent had been to state
46 posting in three public places only; adding that most of this is current language.

1 Emphasizing the necessity of consistency, Mr. Bergsma assured Commissioner
2 Dunham that this would be reviewed.

3
4 **PUBLIC TESTIMONY:**

5
6 **NATHALIE DARCY**, 9355 SW Brooks Bend Lane, Garden Home, OR 97223,
7 observed that her interest as part of unincorporated Washington County is
8 definitely in favor of speeding up the process. She observed that while reducing
9 the notification requirements for quasi-judicial hearings from 500 feet to 100 feet
10 complies with the statute, as county resident she is disappointed that the City she
11 will eventually be a part of has a standard less than the county. She mentioned
12 that the county notification requirement is 200 feet and the City of Portland's
13 notification requirement is 400 feet. She expressed her agreement that the CPO
14 should receive notification, adding that the UPAA provides that the City should
15 provide this notification to the CPO. She mentioned that she had served on the
16 Boundary Commission during several Beaverton annexations, adding that there
17 had been a requirement that the county shall advise the city of adopted policies
18 that apply to the annexed areas, and the City shall determine whether adoption is
19 appropriate and act accordingly. She observed that this has happened several
20 times, pointing out that there is no provision in progress for this to continue to
21 happen. She stated that this could occur in quasi-judicial proceedings, noting that
22 special policies that are included within community plans are generally site-
23 specific. She concluded, stating that the UPAA is supposed to be reviewed every
24 two years and mentioned the necessity of a memorandum of understanding
25 outlining the methodology when property is annexed.

26
27 Chairman Maks complimented Ms. Darcy, observing that her presentation was
28 short, to the point and well prepared and had involved some good issues.

29
30 Ms. Darcy observed that she had been working on the Local Wetland Inventory,
31 which is a moving target, adding that annexation is a good time to consider other
32 issues as well.

33
34 Commissioner Heckman referred to Ms. Darcy's comment that UPAA should be
35 reviewed every two years and that completion should be within sixty days.

36
37 Ms. Darcy pointed out that she is aware that everyone has a full plate at this time
38 and she had not intended to rub this in.

39
40 Mr. Bergsma observed that Pat Russell's letter had made similar comments as Ms.
41 Darcy, adding that they will be reviewed and addressed at the next Public
42 Hearing.

43
44 On question, staff had no final comments at this time.
45

Assistant City Attorney Bill Scheiderich pointed out that Mr. Russell's written comments tend to blur the distinction between annexation, which is considered a political decision, and the Comprehensive Plan Map and the Zoning Map amendments, which follow annexation and are considered a land use decision.

Commissioner Voytilla **MOVED** and Commissioner Heckman **SECONDED** a motion that CPA 98-00011/TA 99-00010 – Annexation Policy Amendments to the Comprehensive Plan and Development Code be continued to a date certain of August 9, 2000.

Motion **CARRIED**, unanimously.

8:15 p.m. -- 8:26 p.m. – break.

NEW BUSINESS:

PUBLIC HEARINGS:

A. TA 2000-0006 – FEMA REVISED BEAVERTON CREEK AND HALL CREEK FLOOD MAPS

This City-initiated Development Code text amendment will, if approved, amend the City's floodplain regulations. The proposed amendments will affect all development and all properties in the City of Beaverton within the floodplain of Beaverton Creek between Highway 217, Murray Boulevard and the confluence of Hall Creek. The proposed text amendments to the Development Code, Section 60.05.10, are to acknowledge by reference, the "Flood Study for the City Beaverton" dated May 25, 2000, by the Federal Emergency Management Agency (FEMA). This is considered by FEMA to be a Letter of Map Revision. Revised maps have been prepared by FEMA, but will not be distributed by FEMA to the general public. Copies of the new maps will only be available from the City of Beaverton and Washington County. The floodplain areas affected by FEMA revised flood insurance maps are:

1. Beaverton Creek (a portion lying approximately 500 feet east of Highway 217 near SW 5th Avenue northwesterly through to the Tualatin Hills Nature Park west of SW Murray Blvd.); and
2. Hall Creek (a portion lying approximately between Highway 217 and to the confluence of Beaverton Creek).

Associate Planner Veronica Smith presented the Staff Report requesting an amendment to the map. On question, she informed Chairman Maks that staff is recommending that the Public Hearing be continued until August 23, 2000 in order to meet notification requirements.

PUBLIC TESTIMONY:

1 On question, no member of the public appeared to testify at this time.

2
3 On question, staff had no further comments at this time.

4
5 On question, the Assistant City Attorney had no further comments at this time.
6 The public section of the Public Hearing was closed.
7

8 Commissioner Heckman **MOVED** and Commissioner Dunham **SECONDED** a
9 motion that TA 2000-0006 – FEMA Revised Beaverton Creek and Hall Creek
10 Flood Maps be continued to a date certain of August 23, 2000.
11

12 Motion **CARRIED**, unanimously.
13

14 B. **CPA 99-00015/TA 99-00006 – TITLE 3 WATER QUALITY AND FLOOD**
15 **MANAGEMENT**

16 These cases relate to Periodic Review Work Task Nos. 4 and 5, addressing
17 portions of Statewide Planning Goals 6 (water resources) and 7 (flood
18 management) in conformance to Metro's Functional Plan Title 3 requirements.
19 City staff is proposing amendments to the Comprehensive Plan, the Engineering
20 Design Manual and Standard Drawings, and the Development Code to protect the
21 beneficial uses, functions, and values of resources within Metro's Functional Plan
22 Title 3 water quality and flood management areas. The proposed amendments
23 will acknowledge by reference the Unified Sewerage Agency's (USA's) recently
24 adopted regulations that limit development activities within specified distances of
25 wetlands and perennial and intermittent streams as shown in the Vegetated
26 Corridor Widths table from the USA Design and Construction Standards. USA
27 standards were enacted on February 22, 2000. The City, based on a 1990
28 Intergovernmental Agreement with USA, is required to enforce USA water
29 quality standards and regulatory requirements. Additional amendments are
30 proposed to support Metro requirements to reduce flood hazards and improve
31 erosion control. The proposed amendments will not affect existing development.
32

33 C. **CPA 99-00014/TA 99-00005 – GOAL 5 RIPARIAN AND WETLAND**
34 **PROTECTION**

35 This is a Periodic Review Work Task No. 3 project, which responds to a portion
36 of Statewide Planning Goals 5, relating to the protection of natural resources. The
37 proposed amendments to the Comprehensive Plan and Development Code
38 represent Goal 5 program decisions which would utilize the Unified Sewerage
39 Agency's recently adopted development permitting process and Design and
40 Construction Standards to protect significant resources identified on Beaverton's
41 Local Wetland Inventory and Inventory of Significant Riparian Corridors. These
42 are the same standards that are applied to the Title 3 water features mentioned in
43 the first notice above. The USA standards are consistent with the Safe Harbor
44 program approaches identified in Oregon Administrative Rule (OAR) Sections
45 660-23-090-(8) riparian corridors and 660-23-100(4)(b) wetlands. (The recently
46 updated Goal 5 inventories of wetland and riparian corridors took into account

1 areas that in the future, are most likely to be annexed to the City. As the City's
2 boundaries expand, the City's natural resource protection program will apply to
3 the newly annexed areas.) Existing development in the City will not be affected
4 by the proposed regulations.

5
6 Mr. Bergsma explained the request for continuance of these items in order to
7 comply with the requirement that the Staff Reports be available to the public at
8 least thirty days prior to the Public Hearing. He described these amendments
9 relating to two overlapping areas, adding that this may create some confusion. He
10 mentioned that CPA 99-00015/TA 99-00006 relates to Title 3 of the Metro Urban
11 Growth Functional Plan issues regarding water quality and flood management.
12 Local governments and Washington County had determined approximately one
13 year ago to allow Unified Sewerage Agency (USA) to draft the regulations that
14 apply to development along stream corridors within Washington County. He
15 stated that these amendments propose to link the City of Beaverton's regulations
16 and guidelines to the USA standards. He mentioned that CPA 99-00014/TA 99-
17 00005 relates to the Goal 5 Riparian and Wetland Protection, adding that it is
18 necessary to implement a program to protect resources as well as review the
19 consequences. He pointed out that Goal 5 stipulates that it is not necessary to
20 consider the consequences if Safe Harbor provisions are implemented. He
21 explained that this is basically protecting the same resource applying both to Goal
22 5 and Title 3.

23
24 Ms. Smith mentioned over 60 telephone calls that she had received, noting that
25 10,800 notices had been distributed. Most of the calls were from property owners
26 that were currently built confirming that it didn't affect them. She observed that
27 some calls were generated from outside the jurisdiction, adding that inventories
28 outside of the city limits had been adopted and would become applicable if and
29 when they annex into the City of Beaverton. She pointed out that numerous older
30 women who had been called had been alarmed that Ballot Measure 56 might
31 affect the value of their property. She emphasized that many people do not
32 understand that a ditch can be a regulated water body. She referred to a letter
33 from Mr. David Easley, Property Manager for the Schnitzer Group, expressing
34 concerns with the Metro 3 Title Map. She referred to a letter from Pat Russell,
35 expressing concern with addressing endangered species, adding that the program
36 is not addressing this issue at this time. She mentioned letters received from Mr.
37 George Gogue and Kathryn Sayles, expressing concern with notification issues.
38 She observed that they had indicated a legal issue as to why the City of Beaverton
39 has determined that adoption of these ordinances would affect the permissible use
40 of their property, which is located in unincorporated Washington County. She
41 mentioned a letter from Leon Jallo. She stated that she was pleased with the level
42 of understanding from those people who called, adding that they had not been
43 upset and wanted to determine their options. She described changes and revisions
44 to Title 3, referring to a Memorandum she had distributed providing changes to
45 both Staff Reports.

46

1 Chairman Maks expressed his opinion that reading this information was
2 comparable to getting a root canal and requested that Commissioners receive
3 copies of all these letters prior to the next Public Hearing.
4

5 Commissioner Heckman commented that he does realize that this material is
6 important, adding that he had found some interesting information in the Title 3
7 document.
8

9 Commissioner Voytilla requested clarification of whether these amendments
10 would affect any applications for building permits for alterations or additions.
11

12 Mr. Bergsma advised Commissioner Voytilla that these applications could be
13 affected, adding that staff is proposing to incorporate into the code a new
14 definition of development derived from the USA design construction standards
15 that would apply only to these particular regulations.
16

17 Commissioner Voytilla questioned whether the public is informed of this.
18

19 Ms. Smith informed Commissioner Voytilla that the public is being informed that
20 any encroachment into the water resource area would most likely involve
21 applying to USA.
22

23 Chairman Maks requested clarification of whether other jurisdictions throughout
24 the county have adopted this amendment carte blanche or in the same method
25 being done here.
26

27 Ms. Smith advised Chairman Maks that Metro would be the best resource to
28 answer that, adding that she understands that Washington County has indicated
29 that they are just making small edits to acknowledge USA's standards and would
30 submit the fine-tuning at a later time. She observed that while the City of
31 Cornelius has adopted the amendment, the process and compliance is less
32 complicated for the smaller jurisdictions.
33

34 Mr. Bergsma observed that they had promised Metro that this would be
35 completed by July, adding that while we are slightly behind schedule, we are at
36 least in the hearings process. He mentioned that several other jurisdictions have
37 set their deadline for October.
38

39 Chairman Maks commented that individuals currently located outside the city
40 need to be reminded that what is being done is within the planning area and that
41 they may never become included.
42

43 Mr. Bergsma pointed out that individuals living outside the city limits are still
44 subject to USA standards.
45

1 Ms. Smith referred to a map illustration on the easel, observing that she had
2 created this to allow people to visualize what is included in these Goal 5 Riparian
3 resources.

4
5 Mr. Bergsma clarified that being outside a significant Goal 5 Riparian Corridor
6 does not indicate that one is not subject to the USA standards.

7
8 Ms. Smith pointed out that these areas had been identified as fish bearing.
9

10 **PUBLIC TESTIMONY:**

11
12 **DAVID EASLY**, 1803 SW DeWitt Street, Portland, OR 97201, Property
13 Manager for Schnitzer Investment, as Manager for the 217 Distribution Center, he
14 believes that the ROI map for Title 3 and the Metro map for Goal 5 are in error
15 for the 217 Distribution Center. He observed that he is submitting this testimony
16 and a letter in order to preserve their right to a future appeal.

17
18 Chairman Maks requested that **JOHN RANKIN**, 26715 SW Baker Road,
19 Sherwood, OR 97140, come forward to testify, and Ms. Smith said that Mr.
20 Rankin had indicated that he has sufficient information and left.

21
22 **WILLIAM BARNETT**, 4132 NW 175th Place, Portland, OR 97229-3079,
23 mentioned that he owns property located in the Tanasbrook area, adding that his
24 property is located near several of the streams and boundaries included in these
25 amendments. Observing that this issue is very confusing to him, he questioned
26 how one could be both a responsible citizen on this topic and continue to
27 approach it in reality. He stated that he does not know whether he should be
28 concerned or whether this is a done deal, adding that he is not certain how to
29 react.

30
31 Chairman Maks observed that it is difficult to react to this testimony, adding that
32 there is little need for concern in areas that are already built. He emphasized that
33 there are concerns on varying issues at varying degrees on undeveloped property,
34 advising Mr. Barnett to continue to do what he is doing, stay educated and read all
35 available information. He advised him that sometimes decisions are made that
36 simply follow other decisions that have already been made, expressing his
37 personal opinion that this compromise will benefit all parties concerned.

38
39 Commissioner Heckman pointed out that until a vote takes place, any input is
40 welcome.

41
42 Mr. Barnett mentioned that he had been under the impression that there is
43 pressure to meet a July deadline, although this deadline appears to be shifting.
44

Chairman Maks informed Mr. Barnett that while the City Council and City Attorney are dealing with Metro and time tables, the Planning Commission is under no pressure or rush at this particular time.

ROBERT PELTZ, 3340 SW 70th Avenue, Portland, OR 97225, referred to page 9 of the Goal 5 Staff Report, and questioned why Golf Creek had been omitted.

Mr. Bergsma referred to a particular section of the LCDC rule relating to Goal 5 and Riparian Corridors, observing that the Planning Commission had elected to follow the Safe Harbor approach to defining riparian corridors of significance, which requires evidence that the stream is fish-bearing. He pointed out that this evidence must come from the State of Oregon Department of Fish and Wildlife, adding that although there may be fish in Golf Creek, there is no evidence indicating so at this time.

Mr. Peltz referred to a conversation with the Army Corps of Engineers regarding Golf Creek, adding that although he has no written documentation, they had indicated that this is considered steelhead habitat.

Chairman Maks advised Mr. Peltz that while Golf Creek is an issue, it is necessary to obtain information from the State of Oregon Department of Fish and Wildlife. He emphasized that while it may be available at some point in the future, the information is not there at this time.

Ms. Smith clarified the rules in the riparian area, indicating that they are the same rules that are applied under Title 3. She mentioned that the setback is fifty feet and the streams are still being protected.

On question, staff had no further comments at this time.

On question, the City Attorney had no further comments at this time.

Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a motion that CPA 99-00015/TA 99-00006 – Title 3 Water Quality and Flood Management be continued to a date certain of August 16, 2000.

Motion **CARRIED**, unanimously.

Commissioner Heckman **MOVED** and Commissioner **SECONDED** a motion that CPA 99-00014/TA 99-00005 – Goal 5 Riparian and Wetland Protection be continued to a date certain of August 16, 2000.

Motion **CARRIED**, unanimously.

APPROVAL OF MINUTES:

1 Chairman Maks expressed appreciation for the quality of the minutes prepared by
2 the recorder.

3
4 Minutes of the meeting of May 25, 2000, submitted. Commissioner Voytilla
5 referred to line 44, page 22, requesting that it be amended, as follows:
6 "Commissioner Voytilla ~~observed~~ **stated** that all of Beaverton consists of
7 neighborhoods." Commissioner Voytilla referred to line 6, page 23, requesting
8 that it be amended, as follows: "...Ms. Holady is willing to do without the
9 covered ~~willing to eliminate the covered~~ loading area..." Commissioner Voytilla
10 referred to line 11, page 24, requesting that it be amended, as follows: "He
11 pointed out that between 900-1000 **signed** petitions in support of their position..."
12 Commissioner Voytilla referred to line 29, page 25, requesting that it be amended,
13 as follows: "...referring to an area ~~back behind a certain portion on Murray~~
14 ~~Boulevard and Beard Road~~ **on the subject site**..." Commissioner Voytilla
15 concurred with Chairman Maks' comments regarding the minutes. Commissioner
16 Heckman **MOVED** and Commissioner Barnard **SECONDED** a motion that the
17 minutes be approved, as amended.

18
19 Motion **CARRIED**, unanimously, with the exception of Commissioners Barnard
20 and Dunham, who abstained from voting on this issue.

21
22 Minutes of the meeting of May 31, 2000, submitted. Chairman Maks referred to
23 line 17, page 12, requesting that it be amended, as follows: "Chairman Maks
24 questioned whether this had been conducted ~~at~~ **like** an average level of service ~~at~~
25 **an intersection**..." Chairman Maks referred to line 20, page 12, requesting that it
26 be amended, as follows: "...this had taken into account ~~only~~ the volume in both
27 lanes..." Chairman Maks referred to line 24, page 12, requesting that it be
28 amended, as follows: "Chairman Maks questioned what the vehicle delay would
29 have been ~~with~~ **if** only **the** one lane **was under study**..." Chairman Maks
30 referred to line 35, page 13, requesting that it be amended, as follows:
31 "...included the right hand turn movement **which** also ~~slowing~~ **slows** down the
32 left-hand turn movement." Commissioner Johansen referred to line 24, page 11,
33 requesting that it be amended, as follows: "The ~~bergs~~ **berms** on the access
34 road..." Commissioner Heckman **MOVED** and Commissioner Johansen
35 **SECONDED** a motion that the minutes be approved, as amended.

36
37 Motion **CARRIED**, unanimously, with the exception of Commissioners Barnard
38 and Dunham, who abstained from voting on this issue.

39
40 Minutes of the meeting of June 1, 2000, submitted. Chairman Maks referred to
41 line 32, page 4, requesting that it be amended, as follows: "...he agrees with
42 **much of** Mr. Rapp's testimony..." Chairman Maks referred to line 33, page 5,
43 requesting that it be amended, as follows: "emphasizing that ~~the key is that this~~
44 ~~area is residential in character and that all issues have been addressed~~ **during the**
45 **past and present process, both opponents and proponents of this issue have**
46 **addressed the key issues of this application.**" Chairman Maks referred to line

1 6, page 6, requesting that it be amended, as follows: "...one more **peak** noise..."
2 Chairman Maks referred to line 38, page 6, requesting that it be amended, as
3 follows: "...he expressed concern with ~~skewing~~ **queuing** the traffic analysis."
4 Chairman Maks referred to line 21, page 31, requesting that it be amended, as
5 follows: "...observing that ~~"need" is not~~ **she needs to identify where need is**
6 included within any criteria." Chairman Maks referred to line 4, page 32,
7 requesting that it be amended, as follows: "...noting that ~~he has~~ **there is** evidence
8 in the record and ~~has received~~ testimony **has been received...**" Commissioner
9 Voytilla **MOVED** and Commissioner Johansen **SECONDED** a motion that the
10 minutes be approved, as amended.

11
12 Motion **CARRIED**, unanimously, with the exception of Commissioners Barnard
13 and Dunham, who abstained from voting on this issue.

14
15 Minutes of the meeting of June 7, 2000, submitted. Commissioner Barnard
16 **MOVED** and Commissioner Dunham **SECONDED** a motion that the minutes be
17 approved as written.

18
19 Motion **CARRIED**, unanimously, with the exception of Chairman Maks and
20 Commissioner Barnard, who abstained from voting on this issue.

21
22 Minutes of the meeting of June 14, 2000, submitted. Chairman Maks referred to
23 line 28, page 7, requesting that it be amended, as follows: "observing that he has
24 read the materials they submitted and **that has** already blown the Home Depot
25 **information early** issue." Commissioner Heckman referred to line 14, page 16,
26 requesting that it be amended, as follows: "...indicated that ~~he~~ **they** had visited
27 the site." Commissioner Heckman referred to line 38, page 30, requesting that it
28 be amended, as follows: "...both ~~her~~ **she** and her husband..." Commissioner
29 Barnard **MOVED** and Commissioner Voytilla **SECONDED** a motion that the
30 minutes be approved, as amended.

31
32 Motion **CARRIED**, unanimously, with the exception of Commissioner Johansen,
33 who abstained from voting on this issue.

34
35 Minutes of the meeting of June 21, 2000, submitted. Chairman Maks referred to
36 line 38, page 7, requesting that it be amended, as follows: "...informing the
37 public of this Public Hearing has **not** made a tremendous impact in the
38 attendance." Chairman Maks referred to lines 22 through 25, page 8, requesting
39 that this particular paragraph regarding 3-hole punches in Planning Commission
40 materials be deleted. Chairman Maks referred to line 31, page 11, requesting that
41 it be amended, as follows: "...emphasizing that he had been the only individual
42 at that particular Public Hearing **in the legislature.**" Commissioner Voytilla
43 requested that the minutes be amended to reflect that he was absent.
44 Commissioner Dunham referred to line 41, page 12, requesting that it be
45 amended, as follows: "sort of a ~~clip notes~~ **"Cliff's Notes"** version..."
46 Commissioner Dunham referred to line 43, page 7, requesting that it be amended,

1 as follows: "...she no longer receives copies of *Your City*, and Commissioner
2 ~~Heckman suggested that perhaps this is because she has delinquent taxes.~~"
3 Commissioner Heckman referred to line 10, page 9, requesting that it be
4 amended, as follows: "Commissioner Johansen expressed his appreciation..."
5 Commissioner Barnard referred to line 7, page 7, requesting that it be amended, as
6 follows: "He questioned whether a standard has been established, ~~or does~~
7 ~~Beaverton have too much~~ for residential zoning." Commissioner Heckman
8 **MOVED** and Commissioner Dunham **SECONDED** a motion that the minutes be
9 approved, as amended.

10
11 Motion **CARRIED**, unanimously, with the exception of Commissioner Voytilla,
12 who abstained from voting on this issue.

13
14 Minutes of the meeting of June 28, 2000, submitted. Commissioner Barnard
15 **MOVED** and Commissioner Dunham **SECONDED** a motion that the minutes be
16 approved as written.

17
18 Motion **CARRIED**, unanimously, with the exception of Commissioner Heckman,
19 who abstained from voting on this issue.

20
21 **MISCELLANEOUS BUSINESS:**

22
23 The meeting adjourned at 9:10 p.m.
24

CALENDAR:

1				
2	August	23	Public Hearing	TA 2000-0006 FLOOD MAP
3			Public Hearing	RZ 99-00020 CORNELL ROAD REZONE
4		30	Public Hearing	CPA 99-00025 COMPREHENSIVE PLAN LAND USE ELEMENT
5	Sept.	13	Public Hearing	CPA 2000-0005
6				RZ 2000-0008 13675 NW CORNELL ROAD
7		20	Public Hearing	CPA 2000-0004
8				RZ 2000-0007 HALL/METZ PROPERTY
9	October	4	Public Hearing	CPA 2000-0007
10				RZ 2000-0009 CDB OPERATIONS CENTER EXPANSION